

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE: BENICAR (OLMESARTAN)	*	MDL 2606
PRODUCTS LIABILITY LITIGATION	*	
	*	
THIS DOCUMENT RELATES TO	*	JUDGE ROBERT B. KUGLER
ALL CASES	*	
	*	MAG. JUDGE JOEL SCHNEIDER

**PROPOSED JOINT AGENDA AND REPORT
FOR 27 JANUARY 2016 STATUS CONFERENCE:**

1. Report on Docket.

There were 1,255 complaints on file with the clerk's office as of January 26, 2016, and 1,103 complaints have been served on at least one U.S. Defendant.

2. State Court Litigation.

There are currently 66 cases pending in the New Jersey MCL. On January 5, 2016, the Honorable Nelson C. Johnson, J.S.C entered Case Management Order Number 4, which governs the service of Plaintiff Fact Sheets and Defendant Fat Sheets in the MCL.

There is no MCL case management conference currently scheduled.

3. Core Deficient Plaintiff Fact Sheets

DEFENDANTS' POSITION:

Defendants have received 17 core deficient PFS that have yet to be cured. These deficiencies include failure to provide signed authorizations to obtain medical records, failure to sign the declaration, or failure to provide basic information on the plaintiff, such as social security number. Pursuant to the Court's October 30, 2015 Order, plaintiffs have two weeks to respond to letters regarding core deficiencies. (*See* October 30, 2015 Discovery Order, Doc. No.

181, at ¶ 5). Plaintiffs here have not responded; Orders to Show Cause why the cases should not be dismissed with prejudice should be entered. Notably, the *David Hawks* case (1:15-cv-05042) was randomly selected by the Court last week as a bellwether case.

	Case Caption	Docket Number	Plaintiff Counsel Firm	Reasons PFS determined to be core deficient	PFS Core Deficiency Letter Sent
1	Baltimore, Frank v. Daiichi Sankyo, Inc., et al.	1:15-cv-05245	Sizemore Law Firm	Failure to provide social security number, dosage information, failure to sign declaration and failure to provide authorizations.	1/4/16
2	Chavis, Cecile v. Daiichi Sankyo, Inc., et al.	1:15-cv-05008	Sizemore Law Firm	Failure to provide social security number, dosage information, failure to sign declaration and failure to provide authorizations.	1/5/16
3	Cunningham, Carmen v. Daiichi Sankyo, Inc., et al. ¹	1:15-cv-05006	Sizemore Law Firm	Failure to provide social security number, dosage information, failure to sign declaration and failure to provide authorizations.	1/4/16
4	DeShazo, James v. Daiichi Sankyo, Inc., et al.	1:15-cv-05362	Matthews & Associates	Plaintiff alleges he suffered “gallbladder problems,” which does not fall under the definition of the MDL	1/4/16

¹ On January 21, 2016, Plaintiff’s counsel filed a motion to dismiss this case without prejudice, because counsel has been unable to locate their client.

	Case Caption	Docket Number	Plaintiff Counsel Firm	Reasons PFS determined to be core deficient	PFS Core Deficiency Letter Sent
5	Harrington, Polly v. Daiichi Sankyo, Inc., et al.	1:15-cv-05007	Sizemore Law Firm	Failure to sign declaration and failure to provide signed authorizations	1/4/16 and 1/25/16 (for amended PFS)
6	Hawks, David v. Daiichi Sankyo, Inc., et al.	1:15-cv-05042	Morgan & Morgan	Failure to provide dates of Benicar use	11/3/15
7	Hudson, Linda and Darryl Hudson v. Daiichi Sankyo, Inc., et al.	1:15-cv-05019	Sizemore Law Firm	Failure to sign declaration and failure to provide authorizations.	1/4/16
8	Janice, Esther v. Daiichi Sankyo, Inc., et al.	1:15-cv-04462	Mazie Slater Katz & Freeman LLC	Failure to provide specific date of alleged injuries to support a claim of event after ingestion.	1/4/16
9	Mack, ML v. Daiichi Sankyo, Inc., et al.	1:15-cv-04364	Mazie Slater Katz & Freeman LLC	Failure to provide healthcare authorizations	1/15/16
10	Johnson, Donna v. Daiichi Sankyo, Inc., et al.	1:15-cv-05005	Sizemore Law Firm	Failure to provide information regarding the plaintiff or person on whose behalf the case is being filed.	11/26/15
11	Madden, Sandra K. and John Madden, Sr. v. Daiichi Sankyo, Inc., et al.	1:15-cv-3679	McEwen Law Firm Ltd.	Failure to provide signed declaration	1/6/15
12	McFan, Angel v. Daiichi Sankyo, Inc., et al.	1:15-cv-05004	Sizemore Law Firm	Failure to provide medical records or describe alleged injuries and dates of injuries in detail in PFS	10/26/15

	Case Caption	Docket Number	Plaintiff Counsel Firm	Reasons PFS determined to be core deficient	PFS Core Deficiency Letter Sent
13	Moore, Shirley M. and Arthur Moore v. Daiichi Sankyo, Inc., et al	1:15-cv-03294	McEwen Law Firm Ltd.	Failure to provide information regarding the plaintiff or person on whose behalf the case is being filed.	1/17/15
14	Zeno, Barbara v. Daiichi Sankyo, Inc., et al.	1:15-cv-05001	Sizemore Law Firm	Failure to provide dosage information, failure to provide prescriber's address, failure to provide date of diagnosis or medical records to determine when injury occurred, failure to provide signed authorizations.	12/23/15

PLAINTIFFS' POSITION:

Counsel on the PEC is unfamiliar with the specifics of each case listed above. However, the PEC will reach out to counsel in each case in an effort to get the alleged deficiencies addressed. In light of the Court's Order dated December 21, 2015, the cases listed above are not yet appropriate for an Order to Show Cause.

4. Improvidently filed Cases

DEFENDANTS' POSITION:

Defendants have sent letters seeking dismissal in several cases that Defendants believe are improvidently filed. Examples of these include injuries that pre-date Plaintiff's Benicar use or and alleged injuries that do not fall within the scope of this MDL, such as diverticulitis, gall bladder injuries or chronic kidney disease. These cases are not appropriately venued in this

MDL and should be dismissed. Defendants have not received responses to these letters; other such letters have resulted in dismissals. Defendants request that the Court enter Orders to Show Cause as to why these cases should not be dismissed with prejudice.

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Reason for Improvidently Filed Letter	Letter sent
1	Barker, Rex v. Daiichi Sankyo, Inc., et al.	1:15-cv-04414	McEwen Law Firm Ltd	Plaintiff's alleged event pre-dates his Benicar use	12/14/15
2	Bradshaw, Gail v. Daiichi Sankyo, Inc., et al.	1:15-cv-05009	Sizemore Law Firm	Plaintiff alleges diverticulosis which is unrelated to sprue-like enteropathy, and her alleged event did not begin until over 1.5 years after she stopped taking Benicar	12/14/15
3	DeShazo, James v. Daiichi Sankyo, Inc., et al.	1:15-cv-05362	Matthews & Associates	Plaintiff alleges gall bladder problems which is outside the scope of this MDL	1/4/16
4	Hoover, Lori Ann v. Daiichi Sankyo, Inc., et al.	1:15-cv-05144	Seeger Weiss LLP	Plaintiff's alleged pre-dates her Benicar use	1/5/16
5	Iavelli, Bruce v. Daiichi Sankyo, Inc., et al.	1:15-cv-03753	McEwen Law Firm Ltd	Plaintiff alleges bowel movements three times a day and medical records indicate a diagnosis of rectal cancer which caused his complaints	12/14/15
6	Johnson, Donna v. Daiichi Sankyo, Inc., et al.	1:15-cv-05005	Sizemore Law Firm	Plaintiff alleges Irritable Bowel Syndrome	12/14/15
7	Moore, Shirley v. Daiichi Sankyo, Inc., et al.	1:15-cv-03294	McEwen Law Firm Ltd	Plaintiff's injury pre-dates her Benicar use	12/14/15

PLAINTIFFS' POSITION:

Counsel on the PEC is unfamiliar with the specifics of each case listed above. However, as the Court is aware, many of the cases in this litigation include Plaintiffs who were misdiagnosed and/or experienced complications that resulted from the serious gastrointestinal symptoms suffered after using olmesartan. Defense counsel's analysis of what is or is not a proper case should not be a trigger for dismissal or other action. The cases should progress in the ordinary course. Moreover, dismissal of an action would not be an appropriate remedy in the event a plaintiff claims injuries due to olmesartan, that are deemed not within the scope of the MDL. Rather, the case would be transferred or simply removed from the MDL, and treated as a standalone action.

5. Overdue Plaintiff Fact Sheets**DEFENDANTS' POSITION:****a. First Time listed**

The following Plaintiff Fact Sheets are overdue. Notably, *Sharon Abrams* (1:15-cv-04654) and *Donald DeLong* (1:15-cv-4737) are bellwether cases. This is their first time being listed on the Joint Agenda:

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
1	Abram, Brenda L. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04654	Johnson Becker, PLLC	10/19/15	1/18/16	1/25/16

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
2	Abrams, Sharon L. v. Daiichi Sankyo, Inc., et al	1:15-cv-04785	Johnson Becker, PLLC	10/20/15	1/8/16	1/26/16
3	Allen, Delora v. Daiichi Sankyo, Inc., et al.	1:15-cv-04266	Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A.	10/21/2015	1/19/2016	1/25/16
4	Allen, Richard v. Daiichi Sankyo, Inc., et al.	1:15-cv-04999	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
5	Arocha, Mark A. v. Daiichi Sankyo, Inc., et al.	1:15-cv-05134	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
6	Ashbrook, Bernieta R. v. Daiichi Sankyo, Inc., et al.	1:15-cv-05358	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
7	Atkinson, Dean v. Daiichi Sankyo, Inc., et al.	1:15-cv-04694	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
8	Bagley, Jeff v. Daiichi Sankyo, Inc., et al.	1:15-cv-04640	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
9	Bell, Sandra v. Daiichi Sankyo, Inc., et al.	1:15-cv-04644	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
10	Blankenship, Rocky v. Daiichi Sankyo, Inc., et al.	1:15-cv-04906	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
11	Block, Norman v. Daiichi Sankyo, Inc., et al.	1:15-cv-03902	Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A.	6/17/15	10/19/15	12/18/15
12	Block, Rosemary v. Daiichi Sankyo, Inc., et al.	1:15-cv-05127	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
13	Boatman, Marsha v. Daiichi Sankyo, Inc., et al.	1:15-cv-05179	Taylor Martino, P.C.	10/12/15	1/11/16	1/15/16
14	Bonnette, Rachel L. v. Daiichi Sankyo, Inc., et al.	1:15-cv-05296	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
15	Bordelon, III, Joseph J. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04998	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
16	Boyd, Fannie v. Daiichi Sankyo, Inc., et al.	1:15-cv-04645	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
17	Brackin, Betty J. v. Daiichi Sankyo, Inc., et al.	1:15-cv-05364	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
18	Breckenridge, James as personal representative of Estate of Beverly Breckenridge v. Daiichi Sankyo, Inc., et al.	1:15-cv-05889	McEwen Law Firm Ltd.	9/15/16	12/15/15	12/18/15
19	Brown, Margaret v. Daiichi Sankyo, Inc., et al.	1:15-cv-04874	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
20	Buford, Dorothy v. Daiichi Sankyo, Inc., et al.	1:15-cv-04932	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
21	Burchett, Karen v. Daiichi Sankyo, Inc., et al.	1:15-cv-05080	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
22	Burks, Terry L. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04636	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
23	Byrd, Reginald v. Daiichi Sankyo, Inc., et al.	1:15-cv-03867	Golomb Honik, P.C.	6/15/15	12/23/15	12/28/15
24	Calabrese, Suzanne M. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04670	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
25	Campbell, Robert D. v. Daiichi Sankyo, Inc., et al	1:15-cv-04965	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
26	Campofredano, Patricia R. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04671-	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
27	Carlton, Lee V. v. Daiichi Sankyo, Inc., et al.	1:15-cv-05137	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
28	Cascio, John v. Daiichi Sankyo, Inc., et al.	1:15-cv-04641	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
29	Chaney, Nadine v. Daiichi Sankyo, Inc., et al	1:15-cv-04750	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
30	Cheney, Lovie I. v. Daiichi Sankyo, Inc., et al.	1:15-cv-05053	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
31	Ciepiela, Eloise v. Daiichi Sankyo, Inc., et al.	1:15-cv-05044	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
32	Clampitt-Crim, Linda v. Daiichi Sankyo, Inc., et al.	1:15-cv-04883	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
33	Clark, Alton D. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04664	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
34	Cochran, Rory and Cochran, Sherrie, Husband and Wife v. Daiichi Sankyo, Inc., et al.	1:15-cv-04625	Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A	10/22/15	1/20/16	1/25/16
35	Colichio, Julia v. Daiichi Sankyo, Inc., et al.	1:15-cv-05374	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
36	Combs, Dennis v. Daiichi Sankyo, Inc., et al.	1:15-cv-05300	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
37	Crownover, Joe W. v. Daiichi Sankyo, Inc., et al.	1:15-cv-05132	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
38	Cunningham, Linda v. Daiichi Sankyo, Inc., et al.	1:15-cv-06590	Golomb Honik, P.C.	9/17/15	12/16/15	12/18/15

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
39	Curran, Sandi K. v. Daiichi Sankyo, Inc., et al.	1:15-cv-05077	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
40	Curtis, Ruthie v. Daiichi Sankyo, Inc., et al.	1:15-cv-05012	Morgan & Morgan	10/14/15	1/12/16	1/15/16
41	Darling, Thomas E. v. Daiichi Sankyo, Inc., et al.	1:15-cv-05078	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
42	Davis, Pattie F. v. Daiichi Sankyo, Inc., et al.	1:15-cv-03776	McEwen Law Firm Ltd.	9/16/15	2/15/15	12/18/15
43	De La Llama, Robin E. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04843	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
44	Delong, Donald v. Daiichi Sankyo, Inc., et al.	1:15-cv-04737	Johnson Becker, PLLC	10/20/15	1/8/16	1/26/16
45	Dobbs, Zelda v. Daiichi Sankyo, Inc., et al.	1:15-cv-04535	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
46	Dowell, Larry v. Daiichi Sankyo, Inc., et al.	1:15-cv-04634	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
47	Dukes, Shalitha v. Daiichi Sankyo, Inc., et al.	1:15-cv-05382	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
48	Dunn, Laura M. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04888	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
49	Dunn, Linda v. Daiichi Sankyo, Inc., et al.	1:15-cv-05399	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
50	Dunnivant, Florence v. Daiichi Sankyo, Inc., et al.	1:15-cv-05033	Morgan & Morgan	10/14/15	1/12/16	1/15/16
51	Ebers, Richard H. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04902	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
52	Edinger, George T. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04948	Johnson Becker, PLLC	10/20/15	1/18/16	1/22/16

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
53	Edwards, Gary v. Daiichi Sankyo, Inc., et al.	1:15-cv-04690	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
54	Edwards, Theresa A. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04841	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
55	Eldridge, Rhonda v. Daiichi Sankyo, Inc., et al.	1:15-cv-05129	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
56	Elliot, Jeffrey Alan v. Daiichi Sankyo, Inc., et al.	1:15-cv-04443	McEwen Law Firm Ltd.	9/16/15	12/15/15	12/18/15
57	Emler, Cheryl v. Daiichi Sankyo, Inc., et al.	1:15-cv-04787	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
58	Faris, Jason L. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04738	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
59	Faszler, Norman v. Daiichi Sankyo, Inc., et al.	1:15-cv-04818	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
60	Faucett, Rita v. Daiichi Sankyo, Inc., et al.	1:15-cv-05135	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
61	Fountain, Jr., Henry v. Daiichi Sankyo, Inc., et al.	1:15-cv-4110	McEwen Law Firm Ltd.	9/16/15	12/15/15	12/18/15
62	Garrett, Frances v. Daiichi Sankyo, Inc., et al.	1:15-cv-04642	Johnson Becker, PLLC	8/27/15	1/8/16	1/15/16
63	Gates, Sarah J. v. Daiichi Sankyo, Inc., et al.	1:15-cv-05295	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
64	Geissler, Terence J. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04995	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
65	Gonzales, Alfred N. v. Daiichi Sankyo, Inc., et al.	1:15-cv-05413	Mazie Slater Katz & Freeman LLC	10/2/15	12/31/15	1/8/16
66	Gordon, Blanca A. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04783	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
67	Graham, Darlene C. . v. Daiichi Sankyo, Inc., et al.	1:15-cv-04927	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
68	Green, Annette v. Daiichi Sankyo, Inc. et al	1:15-cv-04742	Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A.	10/22/15	1/20/16	1/25/16
69	Hall, Charles M. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04786	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
70	Hallaert, Leon v. Daiichi Sankyo, Inc., et al.	1:15-cv-04749	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
71	Halliburton, Mary v. Daiichi Sankyo, Inc., et al.	1:15-cv-04735	Johnson Becker, PLLC	8/27/15	1/8/16	1/15/16
72	Hallum, Kelley A. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04880	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
73	Hamlin, Victoria L. v. Daiichi Sankyo, Inc., et al.	1:15-cv-05401	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
74	Harris, Donta L. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04912	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
75	Henderson, Pat v. Daiichi Sankyo, Inc., et al.	1:15-cv-04945	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
76	Hernandez, Gloria v. Daiichi Sankyo, Inc., et al.	1:15-cv-05050	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
77	Hess, Helen L. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04669	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
78	Highley, John C. v. Daiichi Sankyo, Inc., et al.	1:15-cv-05402	Johnson Becker, PLLC	9/22/15	12/21/15	12/28/15
79	Hill, Gregory W. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04681	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
80	Hill, Sr., Anthony D. v. Daiichi Sankyo, Inc., et al.	1:15-cv-05048	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
81	Holmes, Felix M. v. Daiichi Sankyo, Inc., et al.	1:15-cv-05403	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
82	Hughes, James R. v. Daiichi Sankyo, Inc., et al.	1:15-cv-05049	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
83	Humphrey, Omeca L. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04848	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
84	Hunt, Jennifer v. Daiichi Sankyo, Inc., et al.	1:15-cv-05079	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
85	Jackson, Tammy A. and Lee v. Daiichi Sankyo, Inc., et al.	1:15-cv-07701	Mazie Slater Katz & Freeman LLC	12/22/15	1/20/16	1/25/16
86	Johnson, Linda M. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04633	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
87	Johnson, Patricia O. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04619	Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A.	10/22/15	1/20/16	1/25/16
88	Jones, Jr. , James E. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04682	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
89	Jordan, Darren E. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04666	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
90	Joseph, Norman L. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04797	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
91	Keith, Krutha E. v. Daiichi Sankyo, Inc., et al.	1:15-cv-05054	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
92	King Sr., Lynn. v. Daiichi Sankyo, Inc. et al	1:15-cv-04744	Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A.	10/22/15	1/20/16	1/26/16
93	Kwech, Horst v. Daiichi Sankyo, Inc., et al.	1:15-cv-04792	Johnson Becker, PLLC	8/26/15	1/8/16	1/26/16
94	Langan, Elizabeth v. Daiichi Sankyo, Inc., et al.	1:15-cv-04805	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
95	Lawson, Tony A. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04784	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
96	Lehman, Sandra S. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04659-	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
97	Lenoir, Sandra v. Daiichi Sankyo, Inc., et al.	1:15-cv-04649	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
98	Lessane, George v. Daiichi Sankyo, Inc., et al.	1:15-cv-04567	Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A.	10/22/15	1/20/16	1/26/16
99	Lipanovich, James T. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04899	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
100	London, Januetta v. Daiichi Sankyo, Inc., et al.	1:15-cv-05046	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
101	Mahan, Sandra W. v. Daiichi Sankyo, Inc., et al.	1:15-cv-05051	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
102	Maher, Keith R. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04692	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
103	Mannie, Lynnette v. Daiichi Sankyo, Inc., et al.	1:15-cv-04861	Johnson Becker, PLLC	8/26/15	1/8/16	1/25/16
104	Mark Carpenter v. Daiichi Sankyo, Inc., et al.	1:15-cv-05369	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
105	Maynard, Shannon D. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04910	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
106	McCoy, Brian G. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04838	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
107	McCullough, Deborah E. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04824	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
108	McGruder, Charlene and Darius McGruder v. Daiichi Sankyo, Inc., et al.	1:15-cv-04917	Golomb Honik, P.C.	7/7/15	12/23/15	1/8/16
109	McHenry, Christine v. Daiichi Sankyo, Inc., et al.	1:15-cv-04836	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
110	Miller, Jonathon v. Daiichi Sankyo, Inc Et AL.	1:15-cv-05138	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
111	Moore, Salinda v. Daiichi Sankyo, Inc., et al.	1:15-cv-05082	Mazie Slater Katz & Freeman LLC	10/1/15	12/30/15	1/8/16
112	Muhammad, Abdul H. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04865	Johnson Becker, PLLC	10/19/15	1/19/16	1/25/16
113	Munoz, Jr., Frank v. Daiichi Sankyo, Inc., et al.	1:15-cv-05178	Taylor Martino, P.C.	10/12/15	1/11/16	1/15/16
114	Murphy, Faye v. Daiichi Sankyo, Inc., et al.	1:15-cv-04284	Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A.	10/21/15	1/19/16	1/25/16
115	Murray, Marie v. Daiichi Sankyo, Inc., et al.	1:15-cv-04620	Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A.	10/22/15	1/20/16	1/25/16

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
116	Neal, Maurice O. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04991	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
117	Neer, Jeremy J. v. Daiichi Sankyo, Inc., et al.	1:15-cv-05294	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
118	Negahnquet, Thomas v. Daiichi Sankyo, Inc., et al.	1:15-cv-05404	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
119	Nicholas, Marsha v. Daiichi Sankyo, Inc., et al.	1:15-cv-4246	Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A.	10/21/15	1/19/16	1/22/16
120	Norman, Lorenzo v. Daiichi Sankyo, Inc., et al.	1:15-cv-05130	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
121	O'Neal, James v. Daiichi Sankyo, Inc., et al.	1:15-cv-05405	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
122	O'Garro, Jacqueline v. Daiichi Sankyo, Inc., et al.	1:15-cv-05868	Mazie Slater Katz & Freeman LLC	10/12/15	1/11/16	1/15/16
123	Patterson, Billy D. v. Daiichi Sankyo, Inc., et al.	1:15-cv-05293	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
124	Perkins, Virgil Shawn v. Daiichi Sankyo, Inc., et al.	1:15-cv-07269	Matthews & Associates	10/19/15	1/19/16	1/22/16
125	Petry, Corey v. Daiichi Sankyo, Inc., et al.	1:15-cv-05406	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
126	Pierce, Tonya v. Daiichi Sankyo, Inc. et al	1:15-cv-04746	Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A.	10/22/15	1/20/16	1/22/16
127	Pierson, Alma J. v. Daiichi Sankyo, Inc., et al.	1:15-cv-05291	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
128	Piret, Christopher v. Daiichi Sankyo, Inc., et al.	1:15-cv-04893	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
129	Poindexter, Jeffrey D. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04734	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
130	Price, Ashay v. Daiichi Sankyo, Inc., et al.	1:15-cv-04685	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
131	Rakestraw, Deborah J. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04871	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
132	Rambin, Barbara and Rambin, Lavelle v. Daiichi Sankyo, Inc., et al.	1:15-cv-06492	GoldenbergLaw, PLLC	10/21/15	1/19/16	1/22/16
133	Rasnake, Linda L. v. Daiichi Sankyo, Inc., et al.	1:15-cv-05289	Johnson Becker, PLLC	10/21/15	1/19/16	1/25/16
134	Rivers, Mark v. Daiichi Sankyo, Inc., et al.	1:15-cv-04936	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
135	Robinson, Carol v. Daiichi Sankyo, Inc., et al.	1:15-cv-05277	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
136	Robinson, Della v. Daiichi Sankyo, Inc., et al.	1:15-cv-04661	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
137	Rumph, Gracie H. v. Daiichi Sankyo, Inc., et al.	1:15-cv-05407	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
138	Russell, Darrell v. Daiichi Sankyo, Inc., et al.	1:15-cv-04261	Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A.	10/21/15	1/19/16	1/22/16
139	Russell, Heather A. v. Daiichi Sankyo, Inc., et al.	1:15-cv-05408	Johnson Becker, PLLC	10/21/15	1/19/16	1/25/16
140	Sanders, Ronald J. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04930	Johnson Becker, PLLC	10/21/15	1/19/16	1/25/16

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
141	Scanlan, Virginia A. v. Daiichi Sankyo, Inc., et al.	1:15-cv-05126	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
142	Scoggins, Charles F. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04710	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
143	Sears, Michelle v. Daiichi Sankyo, Inc., et al.	1:15-cv-05273	Johnson Becker, PLLC	10/21/15	1/19/16	1/25/16
144	Sedleky, Christopher J. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04833	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
145	Semien, Patricia v. Daiichi Sankyo, Inc., et al	1:15-cv-04624	Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A.	10/22/15	1/20/16	1/22/16

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
146	Shands, Melvin v. Daiichi Sankyo, Inc., et al.	1:15-cv-04877	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
147	Sharpley, Ronald v. Daiichi Sankyo, Inc., et al.	1:15-cv-04348	Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A.	10/21/15	1/19/16	1/22/16
148	Shears, Herman L. v. Daiichi Sankyo, Inc., et al.	1:15-cv-05073	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
149	Short, Donna and Short, Terry v. Daiichi Sankyo, Inc., et al.	1:15-cv-06491	GoldenbergLaw, PLLC	10/21/15	1/19/16	1/22/16
150	Simon, Jr., Ronald D. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04834	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
151	Singleton, Dorothy v. Daiichi Sankyo, Inc., et al.	1:15-cv-05166	Taylor Martino, P.C.	10/12/15	1/11/16	1/15/16
152	Sloan, Carolyn v. Daiichi Sankyo, Inc. et al	1:15-cv-04622	Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A.	10/22/15	1/20/16	1/22/16
153	Smith, Ronald E. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04678	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
154	Smith, Terecia v. Daiichi Sankyo, Inc., et al.	1:15-cv-04840	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
155	Solomon, Shaun T. v. Daiichi Sankyo, Inc., et al.	1:15-cv-07047	Golomb Honik, P.C.	10/5/15	1/4/16	1/8/16

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
156	Stone, Wayne F. v. Daiichi Sankyo, Inc., et al.	1:15-cv-05409	Johnson Becker, PLLC	10/21/15	1/19/16	1/25/16
157	Strong, Anthony v. Daiichi Sankyo, Inc., et al.	1:15-cv-04733	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
158	Sturgeon, Chelsea v. Daiichi Sankyo, Inc., et al.	1:15-cv-05255	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
159	Sudduth, Lisa v. Daiichi Sankyo, Inc., et al.	1:15-cv-04795	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
160	Tellez, Timothy v. Daiichi Sankyo, Inc., et al.	1:15-cv-04342	Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A.	10/21/15	1/19/16	1/22/16
161	Thomas, Maureen v. Daiichi Sankyo, Inc., et al.	1:15-cv-04729	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
162	Tolentino, Joel v. Daiichi Sankyo, Inc., et al.	1:15-cv-06572	Golomb Honik, P.C.	9/17/15	12/16/15	12/18/15

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
163	Trotter, Christopher v. Daiichi Sankyo, Inc. et al	1:15-cv-04587	Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A.	10/22/15	1/20/16	1/22/16
164	Vigier, Lourdes v. Daiichi Sankyo, Inc., et al.	1:15-cv-04410	McEwen Law Firm Ltd.	9/16/15	12/15/15	12/18/15
165	Wallace, Celeste v. Daiichi Sankyo, Inc., et al.	1:15-cv-05410	Johnson Becker, PLLC	10/21/15	1/19/16	1/25/16
166	Walker, Mikyraa v. Daiichi Sankyo, Inc., et al.	1:15-cv-06757	Golomb Honik, P.C.	10/5/15	1/4/16	1/8/2016
167	Watkins, Justin v. Daiichi Sankyo, Inc., et al.	1:15-cv-04800	Johnson Becker, PLLC	10/21/15	1/19/16	1/25/16
168	Watson, Michael W. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04868	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
169	Weaver, George v. Daiichi Sankyo, Inc., et al.	1:15-cv-04723	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
170	Webster , Catherine . v. Daiichi Sankyo, Inc., et al.	1:15-cv-04672	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
171	Weems, Charles R. v. Daiichi Sankyo, Inc., et al.	1:15-cv-05045	Johnson Becker, PLLC	8/26/15	1/8/16	1/16/16
172	Werner, Joanne v. Daiichi Sankyo, Inc., et al.	1:15-cv-04673	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
173	Whitmore, Roger D. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04958	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
174	Wicinski, Steven v. Daiichi Sankyo, Inc. et al	1:15-cv-04606	Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A.	10/22/15	1/20/16	1/22/16
175	Willard, Albert (on behalf of decedent Pansy Willard) v. Daiichi Sankyo, Inc., et al.	1:15-cv-05122	Johnson Becker, PLLC	8/26/15	1/8/16	1/15/16
176	Williams, Isaac v. Daiichi Sankyo, Inc., et al.	1:15-cv-04997	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
177	Williams, Sharon L. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04667	Johnson Becker, PLLC	10/21/15	1/19/16	1/25/16
178	Williams, Tanya R. v. Daiichi Sankyo, Inc., et al.	1:15-cv-04879	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
179	Winebarger. Colton B v. Daiichi Sankyo, Inc., et al.	1:15-cv-05411	Johnson Becker, PLLC	10/20/15	1/18/16	1/25/16
180	Womack, Jr., Emmit v. Daiichi Sankyo, Inc., et al.	1:15-cv-05047	Johnson Becker, PLLC	10/21/15	1/19/16	1/25/16
181	Woolfolk, Doris v. Daiichi Sankyo, Inc., et al.	1:15-cv-06508	Sanders Phillips Grossman, LLC	10/21/15	1/19/16	1/22/16
182	Wythe, Marilyn v. Daiichi Sankyo, Inc., et al.	1:15-cv-06576	Golomb Honik, P.C.	7/17/15	12/23/15	12/28/15
183	Zelevnick, Maxine T. v. Daiichi Sankyo, Inc., et al.	1:15-cv-05244	Johnson Becker, PLLC	10/21/15	1/19/16	1/25/16

b. Second Time Listed

The following PFS are overdue and this is their second time being placed on the Joint Agenda. Pursuant to the Case Management Order No. 16 (Doc. No. 204), Defendants request that an Order to Show Cause be entered in each of these cases, returnable at the next case management conference, as to why the case should not be dismissed.

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
1	Curtis, Judith v. Daiichi Sankyo, Inc., et al.	1:15-cv-04128	Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A.	8/28/15	11/26/15	12/18/15
2	Edwards, Brenda v. Daiichi Sankyo, Inc., et al.	1:15-cv-04129	Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A.	8/28/15	11/26/15	12/18/15
3	Fletcher, Gay v. Daiichi Sankyo, Inc., et al.	1:15-cv-05232	Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A.	8/26/15	11/24/15	12/18/15
4	Ford, Summer Kristen v. Daiichi Sankyo, Inc., et al.	1:15-cv-05365	Matthews & Associates	8/5/15	11/3/15	12/18/15
5	Fosselman, Willie v. Daiichi Sankyo, Inc., et al.	1:15-cv-05088	Verhine & Verhine, PLLC	8/18/15	11/16/15	12/18/15

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
6	Foster, Michael v. Daiichi Sankyo, Inc., et al.	1:15-cv-04292	Goldenberg Law, PLLC	8/31/15	11/30/15	12/18/15
7	Jimenez, Emilio v. Daiichi Sankyo, Inc., et al.	1:15-cv-04940	Goldenberg Law, PLLC	8/31/15	11/30/15	12/18/15
8	Larson, Dave v. Daiichi Sankyo, Inc., et al.	1:15-cv-04884	Johnson Becker, PLLC	8/18/15	11/16/15	12/18/15
9	Muno, Hermaine v. Daiichi Sankyo, Inc., et al.	1:15-cv-04295	Goldenberg Law, PLLC	8/31/15	11/30/15	12/18/15
10	Patterson, Sonya v. Daiichi Sankyo, Inc., et al.	1:15-cv-04829	Mazie Slater Katz & Freeman LLC	8/27/15	11/25/15	12/18/15
11	Pohnert, Dee Ann v. Daiichi Sankyo, Inc., et al.	1:15-cv-05376	Matthews & Associates	8/5/15	11/3/15	12/18/15
12	Roth, Johnathan Jay v. Daiichi Sankyo, Inc., et al.	1:15-cv-05379	Matthews & Associates	8/5/15	11/3/15	12/18/15
13	Shields, Michael Douglass v. Daiichi Sankyo, Inc., et al.	1:15-cv-05386	Matthews & Associates	8/5/15	11/3/15	12/18/15

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	PFS Overdue Letter Sent
14	Young, Gilbert v. Daiichi Sankyo, Inc., et al.	1:15-cv-05041	Abbott Law Group, P.A	9/1/15	11/30/15	12/18/15

PLAINTIFFS' POSITION:

In a large number of the cases listed above (approximately 100), Defendants just sent letters of alleged deficiency on either January 15, 2016 or January 25, 2016. Consequently, Defendants have not provided Plaintiffs' counsel the two (2) weeks required by the CMO 16 (Doc. No. 204) and the Court's Order of October 30, 2015 (Doc. No. 181) before listing the cases on this report. Defendants have violated the Court's Orders, and those cases listed in violation of CMO 16 should be removed.

The PEC will continue to reach out to counsel with allegedly deficient PFSs to encourage those lawyers to serve completed PFSs within the timelines set forth in the Court's Orders.

6. Overdue Defense Fact Sheets**PLAINTIFFS' POSITION:**

Plaintiffs have identified the following Defense Fact Sheets that are overdue.

Plaintiff's Name	Docket/Civil Action No.	Plaintiff Law Firm	DFS Due Date
Barker, Fran	1:15-cv-04291	Goldenberg Law, PLLC	12/14/2015
Brown, Levie	1:15-cv-04703	Goldenberg Law, PLLC	01/01/2016
Collins, Bertha	1:15-cv-04686	Goldenberg Law, PLLC	12/12/2015

Contreras, Sylvia	1:15-cv-04790	Mazie Slater Katz & Freeman, LLC	1/15/2016
Cruthers, Bryan	1:15-cv-04949	Goldenberg Law, PLLC	01/19/2016
Fasone, Joanne	1:15-cv-03910	Mazie Slater Katz & Freeman, LLC	1/19/2016
Holt, Linda	1:15-cv-04687	Goldenberg Law, PLLC	01/09/2016
Hook, Judi	1:15-cv-03562	Goldenberg Law, PLLC	12/14/2015
Jewett, Agnes	1:15-cv-04938	Goldenberg Law, PLLC	01/18/2016
Jones, Gerald	15-cv-05574	Robins Kaplan LLP	12/17/2015
Krabill, Robert	1:15-cv-04469	Robins Kaplan LLP	12/15/2015
Linthicum, Gloria	1:15-cv-04982	Goldenberg Law, PLLC	01/02/2016
Moore, Brooks	1:15-cv-03911	Mazie Slater Katz & Freeman, LLC	1/19/2016
Morris, Rubena	1:15-cv-04832	Goldenberg Law, PLLC	01/16/2016
Sutton, Rosa	1:15-cv-05036	Goldenberg Law, PLLC	01/22/2016
Toole, Diane	1:15-cv-05034-RBK-JS	Goldenberg Law, PLLC	01/18/2016
Wallace, Douglas	1:15-cv-04869-RBK-JS	Goldenberg Law, PLLC	01/02/2016
Sutton, Rosa	1:15-cv-05036-RBK-JS	Goldenberg Law, PLLC	01/22/2016

DEFENDANTS' POSITION:

The Defense Fact Sheets identified above were either served or are not yet due as per the below chart:

Plaintiff's Name	Docket/Civil Action No.	Plaintiff Law Firm	DFS Due Date	Defendants' Response
Barker, Fran	1:15-cv-04291	Goldenberg Law, PLLC	12/14/2015	DFS served on 1/19/16 via e-mail
Brown, Levie	1:15-cv-04703	Goldenberg Law, PLLC	1/1/2016	Agreed upon holiday extension, due 2/2/16
Collins, Bertha	1:15-cv-04686	Goldenberg Law, PLLC	12/12/2015	Agreed upon holiday extension, due 1/28/16
Contreras, Sylvia	1:15-cv-04790	Mazie Slater Katz & Freeman, LLC	1/15/2016	Due 2/1/16
Cruthers, Bryan	1:15-cv-04949	Goldenberg Law, PLLC	1/19/2016	DFS served on 1/19/16 via e-mail
Fasone, Joanne	1:15-cv-03910	Mazie Slater Katz & Freeman, LLC	1/19/2016	DFS served on 1/19/16 via e-mail
Holt, Linda	1:15-cv-04687	Goldenberg Law, PLLC	1/9/2016	DFS served on 1/11/16 via U.S. mail
Hook, Judi	1:15-cv-03562	Goldenberg Law, PLLC	12/14/2015	Agreed upon holiday extension, due 2/1/16
Jewett, Agnes	1:15-cv-04938	Goldenberg Law, PLLC	1/18/2016	DFS served on 1/19/16 via e-mail
Jones, Gerald	15-cv-05574	Robins Kaplan LLP	12/17/2015	DFS served on 1/19/16 via e-mail
Krabill, Robert	1:15-cv-04469	Robins Kaplan LLP	12/15/2015	Agreed upon holiday extension, due 2/2/16
Linthicum, Gloria	1:15-cv-04982	Goldenberg Law, PLLC	1/2/2016	Agreed upon holiday extension, due 2/3/16

Plaintiff's Name	Docket/Civil Action No.	Plaintiff Law Firm	DFS Due Date	Defendants' Response
Moore, Brooks	1:15-cv-03911	Mazie Slater Katz & Freeman, LLC	1/19/2016	Agreed upon holiday extension, due 1/26/16
Morris, Rubena	1:15-cv-04832	Goldenberg Law, PLLC	1/16/2016	DFS served on 1/19/16 via e-mail
Sutton, Rosa	1:15-cv-05036	Goldenberg Law, PLLC	01/22/2016	Due 2/1/16
Toole, Diane	1:15-cv-05034-RBK-JS	Goldenberg Law, PLLC	1/18/2016	DFS served on 1/19/16 via e-mail
Wallace, Douglas	1:15-cv-04869-RBK-JS	Goldenberg Law, PLLC	1/2/2016	Agreed upon holiday extension, due 2/3/16
Sutton, Rosa	1:15-cv-05036-RBK-JS	Goldenberg Law, PLLC	01/22/2016	duplicate listing; see above

7. Orders to Show Cause:

DEFENDANTS' POSITION:

During the December 16, 2016 Case Management Conference, the Court advised that Orders to Show Cause would be entered into cases where a PFS has been overdue for two agendas. Plaintiffs have agreed to dismiss several of these cases with prejudice, and have provided a PFS and authorizations in others. The remaining cases below list those Orders to Show Cause that are returnable on January 27, 2016.

	Case Caption	MDL Case No.	Plaintiff Counsel Firm	Complaint First Service Date	Plaintiff Fact Sheet Due Date	Order To Show Cause filed
1	Herbert Rodrigue, and Sheila Rodrigue v. Daiichi Sankyo, Inc., et al.	1:15-cv-04455	Mazie Slater Katz & Freeman LLC	6/30/15	10/19/15	12/17/15
2	Mitchell, Lucy v. Daiichi Sankyo, Inc., et al.	1:15-cv-04202	GoldenbergLaw, PLLC	7/24/15	10/22/15	1/7/16
3	Gilmore, Alan v. Daiichi Sankyo, Inc., et al.	1:15-cv-05272	Wagstaff & Cartmell LLP	7/15/15	10/19/15	12/18/15
4	Cole, James P. v. Daiichi Sankyo, Inc., et al.	1:15-cv-05097	Wagstaff & Cartmell LLP	7/15/15	10/19/15	12/18/15
5	Mobilia, Daniel v. Daiichi Sankyo, Inc., et al.	1:15-cv-04500	Wagstaff & Cartmell LLP	7/15/15	10/19/15	12/17/15
6	Calloway, Ronald v. Daiichi Sankyo, Inc., et al.	2:15-cv-02552	Orlando Firm, P.C.	7/2/15	10/19/15	12/18/15

In the *Lucy Mitchell* case 1:15-cv-4202, on December 30, 2015, plaintiff's counsel advised the Court that they have not been able to contact their client in order for her to complete her PFS despite several attempts. (*See Mitchell*, Case No. 15-cv-04202, Doc. No. 4). Plaintiff's counsel advised that if they did not hear from Ms. Mitchell by January 12, 2016, they would

move to dismiss the case. This deadline has passed and we have not heard from plaintiff's counsel concerning this case. Accordingly, Defendants request that this case be dismissed. On January 24, 2016, Plaintiff's counsel filed a motion to dismiss this case without prejudice.

Additionally, on January 25, 2016, Plaintiff's counsel in the *Rodrigue* case (1:15-cv-0455) filed a motion to withdraw as counsel. (See Section 14 below).

PLAINTIFFS' POSITION:

The PEC has communicated with each firm listed in the chart above and expects that all issues related to these cases will be resolved prior to the January 27 status conference.

8. Bellwether Deficiencies

DEFENDANTS' POSITION:

Defendants have sent letters to Plaintiffs in bellwether cases regarding deficiencies or seeking more specific responses to Plaintiff Fact Sheets. In many cases, Plaintiffs did not respond to questions, or responded "will supplement." Many cases are missing complete authorizations to seek medical records. Defendants need full information in order to full evaluate these bellwether cases. Defendants ask that the Court order that Plaintiffs respond to all letters in a full and complete way within a week of receipt of the letters.

Case Caption	MDL Case No.	Plaintiff's Counsel	PFS Deficiency Letter Sent
Atkinson, Robert v. Daiichi Sankyo, Inc., et al.	1:15-cv-05221	Abbott Law Group, P.A Rhine Law Firm, P.C.	12/22/15
Jarret, Susan v. Daiichi Sankyo, Inc., et al.	1:15-cv-06509	Sanders Phillips Grossman, LLC	12/31/15
Johnson, Annette M. v. Daiichi Sankyo, Inc., et al.	1:15-cv-2491	Spangenberg Shibley & Liber, LLP	12/23/15

Case Caption	MDL Case No.	Plaintiff's Counsel	PFS Deficiency Letter Sent
		Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A.	
Morgan, Patricia v. Daiichi Sankyo, Inc., et al.	1:15-cv-04283	Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A.	12/28/15
Stevens, Norma v. Daiichi Sankyo, Inc., et al.	1:15-cv-03905	Mazie Slater Katz & Freeman LLC	12/23/15
Traylor, Zelma v. Daiichi Sankyo, Inc. et al	1:15-cv-04754	Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A.	12/28/15

PLAINTIFFS' POSITION:

Plaintiffs fully intend to comply with the Court's Orders regarding completion of PFSs in each of the cases listed above. In some of the cases, the Plaintiff and his or her counsel have decided to dismiss the case, and therefore, a PFS will not be necessary. For those that are not dismissed, the PEC will continue to encourage prompt completion of PFSs. There is no need for the Court to implement further orders addressing the PFS completion process.

9. Cases filed twice

DEFENDANTS' POSITION:

There are currently two cases pending in which plaintiffs have filed two complaints:

Plaintiff	First Case No.			Second Case No.			Letter Sent to Plaintiffs
	Case Number	Filed Date	Plaintiffs Firm	Case Number	Filed Date	Plaintiffs Firm	
Judy Lammers	MDL 1:15-cv-04281	6/24/15	Levin, Papantonio, Mitchell, Rafferty & Proctor, PA	MDL 1:15-cv-05148	7/2/15	Seeger Weiss LLP	10/26/15
Victoria Hamlin	E.D.M.O. 4:15-cv-01156	6/26/15	Schlichter, Bogard & Denton	MDL 1:15-cv-05401	7/10/15	Johnson Becker, PLLC	11/20/15

Defendants request that one of the two cases for each of these plaintiffs be dismissed, with prejudice. Defendants' time to complete the Defendant Fact sheet in the *Lammers* case should be suspended until it is determined which complaint will proceed as there are discrepancies between the information supplied in the PFS which impact the preparation of the DFS.

PLAINTIFFS' POSITION:

Co-Lead Counsel for the Plaintiffs will communicate with counsel in these cases and determine a solution.

10. One Deposition per Deponent

DEFENDANTS' POSITION:

Plaintiffs should be limited to one deposition per witness on all issues that fall within that witness's purview. Plaintiffs should not be permitted to re-depose any of the first 20 "causation" deponents later in this litigation on marketing or any other issues, and that the depositions scheduled for March 1 through April 29 should cover all possible topics upon which a deponent is knowledgeable. The burden to produce witnesses more than once throughout the course of

this litigation is unfair to the witness, inefficient and not proportional to the needs of this litigation as required by the federal rules.

PLAINTIFFS' POSITION:

This issue was discussed in detail during the hearing on January 13, 2016, and the Court set out clear guidelines both on the record and in the Court's January 14, 2016 Order (Document 223). Therefore, this issue does not merit further discussion.

11. Deposition Limits

DEFENDANTS' POSITION:

Defendants renew their request for entry of an order limiting the total number of depositions in this case. During the November 18, 2015 conference, the Court stated that "in an effort to keep the case moving, we're going to set presumptive deposition limits for 20 Daiichi Japan witnesses, 20 Daiichi U.S. witnesses and ten Forest witnesses." (*See* Transcript of November 18, 2015 Case Management Conference at 10:14-17). Later during the conference, the Court further reiterated, "There's not going to be 200 depositions in this case, folks." (*See* Transcript of November 18, 2015 Case Management Conference at 31:21-22).

To assist Plaintiffs with choosing these 20 deponents, Defendants brought company representatives to a meet and confer before the Court on December 3, 2015. The purpose of the meeting was to address discovery issues and confer on topics such as organizational charts, and the parties went through Plaintiffs' 187-question letter of November 20, 2015, point-by-point, in order to answer as many questions as possible in order for Plaintiffs to narrow their deposition requests. Defendants even specifically identified company witnesses who would have relevant information for certain issues during depositions.

Additionally, the Court's initial limit of 10 Forest depositions set in the December 18, 2015 Order, should be the total limit for Forest depositions in this litigation on any issue, as Forest's focus was on marketing only pursuant to the Co-Promotion Agreement.

Judges in other multi-district litigations have set deposition limits, such as Judge Eldon Fallon's 50 total depositions limit set in *In re Xarelto: (Rivaroxaban) Prods. Liab. Litig.*, currently pending in the Eastern District of Louisiana. (See *In re: Xarelto (Rivaroxaban) Prods. Liab. Litig.*, Case No. 1:14-md-02592, Doc. No. 1305, Case Management Order Number 2, ¶3(b), attached hereto as Exhibit A). Additionally, other MDLs have set much lower deposition limits. In *In re Fosamax Prods. Liab. Litig.*, a former MDL of this district, Joel A. Pisano, U.S.D.J., limited Plaintiffs to only those depositions deemed reasonably necessary under the circumstances of the case, and set a total deposition limit of 15. (See *In re Fosamax (Alendronate Sodium) Prods. Liab. Litig. (No. II)*, Case No. 3:08-md-0008, Doc. No. 848, Case Management Order Number 10, ¶ 1.5, attached hereto as Exhibit B). In a prior Fosamax litigation in the Southern District of New York, Judge John F. Kennan, U.S.D.J., limited Plaintiffs to 25 depositions. (See *In re Fosamax Prods. Liab. Litig.*, Case No. 1:06-md-1789, Case Management Order Number 3, ¶ 10.9, attached hereto as Exhibit C). Accordingly, Defendants request that a 50-deposition limit be set.

PLAINTIFFS' POSITION:

This issue was fully discussed and argued during the January 13, 2016 hearing, and the same arguments set forth herein were presented by defense counsel at that time. The Court placed the ruling on the record. Therefore, this issue does not merit further discussion.

12. Bellwether Pool

DEFENDANTS POSITION:

As the Court is aware, to date, plaintiffs have voluntarily dismissed with prejudice twelve bellwether pool cases. This is more than one third of the bellwether cases originally selected by the Court. Based on these dismissals, one must conclude that more than one third of all of the cases filed are without merit.

These dismissals are in effect a strike of a case. As such, Plaintiffs have doubled the amount of strike allotted to them by the Court. Defendants submit that they should get an additional strike for each dismissal exercised by Plaintiffs. Otherwise Plaintiffs can continue to use dismissals to manipulate the trial pool. Further, continuous dismissal of cases unfairly condenses the amount of time that the Defendants have to evaluate each case for strikes. It requires the defense to spend time and money investigating cases and collecting records, only to have the cases dismissed. A particularly egregious example is the *Robert Alonzo* case (Civil Action 1:15-cv-05391) which was listed as a bellwether pool case on December 11, 2015. On January 4, 2016, Defendants sent a letter to plaintiff's counsel requesting more specific answers to discovery. Plaintiffs responded to this letter on January 19, 2016. Then on January 20, 2016, they sent a stipulation of dismissal with prejudice.

PLAINTIFFS' POSITION:

As directed by the Court at the December status conference, the PEC reached out to those lawyers representing Plaintiffs in the bellwether pool and instructed them to dismiss any cases they intended to dismiss prior to the January 27 status conference. As a result, some bellwether Plaintiffs' counsel have contacted defense counsel to obtain agreement to dismiss cases with prejudice, pursuant to Federal Rule 41. Although a few cases have been dismissed, there are

additional cases that Plaintiffs intend to dismiss but have yet to receive Defendants' agreement to do so. Consequently, there are additional cases that have not yet been dismissed but will be in the future, either by way of agreement or motion.

The dismissal of bellwether cases is the predicted result of the process that Defendants advocated for – random selection of bellwether cases. There are myriad reasons that explain the bellwether pool dismissals. The primary reason is because Defendants refused to agree to a tolling agreement. Many cases are subject to the discovery rule, and counsel filed them based on information provided by the plaintiff, before they were able to obtain all medical records (which can take months), purely out of caution. The results of the investigation of a particular case may result in a decision to dismiss the case, which would have been avoided if a tolling agreement had been put in place. In addition, as the Court is aware, Plaintiffs fully expect Defendants to present a statute of limitations defense, arguing that the label change Daiichi made in 2013 was the SOL trigger. Although Plaintiffs strongly believe that the 2013 label change is inadequate and did not begin the running of the SOL, many Plaintiffs' lawyers who filed cases in the MDL did so prior to July 3, 2015, out of an abundance of caution. As a result, because no tolling agreement existed, many lawyers did not have a complete picture of their clients' circumstances prior to initiating suit.

Another major reason for dismissals is that the cases in this MDL involve medical conditions that were often misdiagnosed because doctors failed to recognize the connection between olmesartan use and serious gastrointestinal injuries (because the Defendants have not been forthcoming about the connection). As a result, the lawyers' investigation of each Plaintiff's medical condition and its relation to olmesartan use is often complicated and time-

consuming. Many of those investigations in the bellwether cases are ongoing or have just concluded, and revealed facts that do not support the claims being made in this MDL.

The last major reason for bellwether dismissals is that some of the Plaintiffs chosen, or the lawyers who represent them, no longer want to pursue their case. In at least two cases, the Plaintiffs have failed to respond to repeated communications from their lawyers. Clearly, these cases cannot remain in the bellwether pool.

It is not at all uncommon for cases in a large MDL to be dismissed over the course of the litigation. Dismissals actually help the bellwether process by conserving the parties' and the Court's resources, avoiding costly litigation of cases that are not appropriate for inclusion in the MDL. Moreover, dismissals clearly are an advantage to the Defendant, as they result in less cases being litigated.

Plaintiffs strongly believe that providing the Defense with additional strikes based on the number of dismissals from the bellwether pool is completely inappropriate, especially in light of the Court's directive to Plaintiffs encouraging dismissals that are necessary. Defendants requested the random selection process rather than selection of cases based on objective criteria that would have been used to establish a pool of representative cases, and dismissals are a by-product of the random selection process. Defendants should not now be permitted to modify the process in a way that would punish all plaintiffs based on decisions made by counsel on a case-by-case basis.

To be clear, Plaintiffs have no intention of using dismissals to "manipulate the trial pool." However, as the Court has directed, the PEC will encourage Plaintiffs' counsel to dismiss cases that should be dismissed.

13. Discovery to Date**DEFENDANTS' POSITION:**

By January 31, 2016, Defendants will have produced at least 95 percent of the custodial files for the first nine of the 20 Daiichi U.S. deponents. The remaining five percent of the documents for the first nine deponents will be produced in the first week of February. The below chart provides the status of productions for these nine Daiichi U.S. deponents in the adjusted order set by the Court on January 14, 2016:

Custodian	Tier	Deadline for Production	Percentage Completed by Deadline
Feldman, Allen	1	1/31/16	98%
Parker, Crawford	1	1/31/16	93%
Ho, Tina	1	1/31/16	98%
Wang, Antonia	1	1/31/16	98%
Caspard, Herve	1	1/31/16	99%
Corrado, Anthony	1	1/31/16	90%
Hoffman, Howard	1	1/31/16	95%
Bailey, William	1	1/31/16	93%
Benezra-Kurshan, Diane	1	1/31/16	91%

Productions for the remaining 12 Daiichi U.S. deponents are 75 percent completed, and shall proceed in accordance with the deadlines set forth in the Court's January 14 Order. Upon

completion of the first tier of deponent productions, all resources will be focused on the second and third tier production deadlines. Production for the 20 Daiichi U.S. deponents will be complete by March 1, 2016, pursuant to the Court's January 14, 2016 Order.

To date, Defendants have produced 14,233,482 pages of documents, which include documents in categories that Plaintiffs have deemed a priority and from custodians identified in Plaintiffs' list of 20 Daiichi U.S. deponents. This is in addition to responses to over 700 formal discovery requests and demands for documents, and production of 247 Defendant Fact Sheets constituting tens of thousands of pages. Since October 9, 2015, Defendants also have responded to over 362 additional discovery requests, and 141 of those requests have come since January 1, 2016.

PLAINTIFFS' POSITION:

The Court ordered Defendants to complete production for the first nine deponents listed in the January 14, 2016 Order, by January 31, 2016. That deadline should be met. It is unclear why the Defendants continue to count the number of "discovery requests" and recite these figures to the Court, since it is expected that the parties in a large, complex litigation of this nature will have a continuous dialogue and requests for information will be routine.

14. Motions to Dismiss Without Prejudice

PLAINTIFFS' POSITION:

Plaintiffs have filed Motions to Dismiss Without Prejudice, for example where an Order to Show Cause was filed to dismiss a plaintiff's case for failure to answer a PFS, and counsel cannot get in contact with the plaintiff. As the Court is aware, Plaintiffs offered, on multiple occasions, to enter into a stipulation with Defendants to dismiss cases without prejudice, with certain restrictions related to re-filing of the cases, but Defendants refused to agree.

DEFENDANTS' POSITION:

It is evident that these cases lack merit, and should be dismissed with prejudice. Defendants oppose dismissal of cases without prejudice, and will submit opposition to Plaintiffs' motions as scheduled by the Court.

15. Issues Raised by Plaintiffs Prior to January 13, 2016 Hearing

PLAINTIFFS' POSITION:

On January 11, 2016, Plaintiffs submitted to the Court a list of 11 discrete issues to be addressed. There was not time on January 13, 2016 to address those issues, and it was agreed the issues would be held over to be addressed at the January 27, 2016 discovery hearing, along with the ROADMAP production issues. Plaintiffs do not believe it is necessary to re-submit the same list of issues, and refer the Court to the January 11, 2016 submission, Issues 7-17.

DEFENDANTS' POSITION:

As the Court has instructed and as the Rules require, issues should be discussed before presentation to the Court and should only be presented if they cannot be resolved without the Court's intervention.

Dated: January 26, 2016

Respectfully Submitted,

/s/ Susan M. Sharko
Susan M. Sharko
susan.sharko@dbr.com
Lead Counsel for the Defendants
DRINKER BIDDLE & REATH LLP
600 Campus Drive
Florham Park, NJ 07932
PH: (973) 549-7000
FAX: (973) 360-9831

/s/ Michael C. Zogby
Michael C. Zogby
michael.zogby@dbr.com

Defendants' Liaison Counsel
DRINKER BIDDLE & REATH LLP
600 Campus Drive
Florham Park, NJ 07932
PH: (973) 549-7000
FAX: (973) 360-9831

/s/ Christopher L. Coffin
Christopher L. Coffin
ccoffin@pbclawfirm.com
Co-Lead Counsel for the Plaintiffs
Pendley, Baudin & Coffin, L.L.P.
1515 Poydras Street, Suite 1400
New Orleans, LA 70112
PH: (504) 355-0086
FAX: (504) 523-0699

/s/ Adam M. Slater
Adam M. Slater
alsater@mskf.net
Co-Lead Counsel for the Plaintiffs
Mazie Slater Katz & Freeman LLC
103 Eisenhower Parkway
Roseland, New Jersey 07068
PH: (973) 228-9898
FAX: (973) 228-0303

/s/ Richard M. Golomb
Richard M. Golomb
rgolomb@golombhonik.com
Liaison Counsel for Plaintiffs
GOLOMB & HONIK
1515 Market Street, Suite 1100
Philadelphia, PA 19102
PH: (215) 985-9177
FAX: (215) 985-4169